

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES THOMAS REDMOND,

Defendant.

3:12-cr-00050-RCJ-VPC

ORDER

While he was serving a sentence in the State of Wyoming for failing to register as a sex offender under state law, a federal grand jury indicted Defendant for failing to register after travelling in interstate commerce. Defendant pled guilty, and the Court sentenced him to 41 months imprisonment, to run concurrently with his state sentence. At the time of sentencing in this Court, Defendant had 30–40 months remaining on his state sentence. Defendant has now been released from state custody and is serving the remainder of his federal sentence in federal custody.

Defendant has asked the Court to amend his federal sentence to give him credit for time served prior to sentencing. Presumably, Defendant refers to the time he served on his state sentence before being sentenced here. The Court denies the motion. First, the time has run to ask the Court to modify the sentence for any reason under either Criminal Rule 35(a) (fourteen days) or 28 U.S.C. § 2255(f) (one year). Second, there is no error to correct. Defendant served no time in federal custody before his sentencing in this Court. There is no basis for the Court to reduce the federal sentence based on time served in state custody for a state offense.

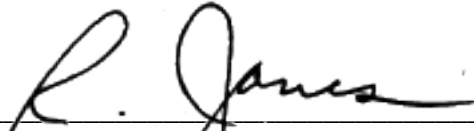
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CONCLUSION

IT IS HEREBY ORDERED that the Motion for Jail Credit (ECF No. 35) is DENIED.

IT IS SO ORDERED.

Dated this 15th day of June, 2015.



ROBERT C. JONES
United States District Judge